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10/565,179	01/19/2006	Imre Nagy		9511

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6454 Cascade St.
San Diego, CA 92122

EXAMINER

BONZELL, PHILIP J

ART UNIT	PAPER NUMBER
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3644

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,179	Applicant(s) NAGY, IMRE	
	Examiner PHILIP J. BONZELL	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-4 are objected under 37 CFR 1.75(c) to since it is not clear if Claim 1 is suppose to be a single claim or if it is actually three claims as it is broken down into three separate claim sentences. For examination purposes, it is assumed that parts a-c are part of claim 1.

2. Claim 4 rejected is object to since is not clear if Claim 4 is only dependent on portion 1b of Claim 1, which would be improper, or if it is dependent on the entire Claim 1.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally presented does not provide for a passenger door in the cargo tunnel.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (US Patent #2428656) in view of Bothe (US Patent #5823468), Schafer (US Patent #6328257) and Trotter (US Patent #3360217).

a. For Claims 1 and 4, figure 1 of Elliott '656 discloses multiple inflatable chambers arranged in a multiple tubular cluster. Elliott '656 discloses a tunnel underneath the chambers that run across the entire bottom of the airship. Elliott '656 is silent about the tunnel being centrally located though. However, figure 2 of Bothe '468 a tunnel (13) that is centrally located in the airship to protect the passengers and cargo. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Elliott '656 with the tunnel of Bothe '468 in order to create an area for passengers and cargo that is protected by the airship itself.

b. Elliott '656 discloses in figures 1, 16, and column 3, lines 10-16 a cone shaped rigid cover (29) that follows the shape of the front and aft end of the airship body (25, 26, and, 28) and is attached to the front and aft end of the airship body and encloses the entire airship.

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c. Elliott '656 discloses in figure 11 multiple propulsion units. Column 4, lines 38-46 teach, "shafts 54 rotatably mounted in housings 60 which are adapted to be rotated by a worm 61 and worm gear 62 in order to change "the angular relation of the propeller shafts 52, so that the propellers 51 may be positioned in such relation to the airship as to propel it, as illustrated in Figures 2 and 11 or in such relation thereto, as to assist in the ascent or descent thereof, as illustrated in Figures 12 and 13". In addition, column 7, line 50 of Bothe '468 teaches the use of propulsion units that rotate independently from each other. While Elliott '656 is silent about the angle of rotation, figure 2 of Trotter '217 teaches the ability to rotate propulsion units (12 to any position of a 360 degree circle.

Therefore it would be obvious to someone of ordinary skill in the art at the time of the invention to modify Elliot '656 to rotate the propulsion system by 360 degrees as taught in Trotter '217 in order to have a complete control over the movement of the aircraft.

d. For Claim 2, figure 7 of Elliott '656 discloses multiple longitudinal structures (31a).

e. For Claim 3, Elliott '656 discloses the flow of "gases" and discloses using helium but is silent about the specific use and movement of helium and air in the tubes of the airship. Column 9, line 26 teaches the use of "helium or hot air". Column 9, lines 26-27 of Bothe '468 teaches using helium or air in areas designed for lifting gases.

Response to Arguments

5. Applicant's arguments filed 4/24/2008 have been fully considered but they are not persuasive.

a. With respect to the arguments that the references do not teach a system that eliminates the rigid frame by the inflatable structure under 6a on pages 1 and 2, the Examiner respectfully disagrees with the Applicant. Nowhere in the claims does it state that no internal structure is included in the airship which would separate itself from the prior art used.

b. With respect to the arguments that the references do not teach a centrally located tunnel under 6b on page 2, figure 3 of Schafer '257 and figure 2 of Bothe '468 clearly show passenger or cargo areas that are "centrally located".

c. With respect to the arguments that the references do not teach the limitations of claim 3 under section 6d on page 3, Elliot '656 clearly discloses in figures 7 the division of the normally longer chambers as seen in figure 1 where in helium or air could be in any of the chambers as discloses in Bothe '468.

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Trotter '217 has been added to show the Examiners previous Official Notice that it is well known to be able to rotate a propulsion unit by 360 degrees on an aircraft.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. BONZELL whose telephone number is (571)270-3663. The examiner can normally be reached on M-Th 8-5;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. J. B./
Examiner, Art Unit 3644

/Michael J. Carone/
Supervisory Patent Examiner, Art
Unit 3641

pjb